

Remarks

In the instant Office Action, the Examiner relied upon Osborne (US Patent No. 412,409) to lodge § 102(b) and § 103(a) rejections of the claims. Applicant has amended the claims to distinguish the amended claims over the prior art of record. In support of this amendment to the claims, Applicant respectfully submits his § 132 Declaration that elucidates the significant differences between his claimed superglottic and peri-laryngeal apparatus for supraglottic airway insertion and Osborne's insufflator apparatus and, indeed, other prior art devices cited by the Examiner. Consistent with the suitability of Applicant's apparatus and Osborne's apparatus for the different anatomical structures of the nasopharynx, oropharynx, and hypopharynx, Applicant has narrowed the instant claims to more particularly describe the structure and concomitant function of his superglottic and peri-laryngeal apparatus.

In particular, Applicant focuses his claims upon the laryngeal and pharyngeal cavities, as distinguished from the buccal cavity which is the thrust of Osborne's apparatus. Applicant also distinguishes his apparatus as being solid with a solid or an enclosed handle — not being tube-like which is, of course, a prerequisite to Osborne's insufflator to orally receive medication or powder and to spray it into the patient's buccal cavity.

Applicant's claims break down the arcuate offset member into four components: a proximal member, a distal member, an arcuate member, and a compressor-lever member. An important aspect of the proximal member and distal member is the length

relationship therebetween. Indeed, while Applicant's proximal member and distal member are preferably the same length — or, minimally, the distal member being at least as long as the proximal member — the Osborne proximal member is long and the distal member is very short. Additionally, Applicant's shield member is flat not curved as in Osborne's device. While, as the Examiner states, Osborne teaches an apparatus with the handle member, the arcuate offset member, and the compressor-lever shield member being integrally constructed in a tube-like structure, Applicant's claimed retractor apparatus constitutes a solid construction which obviously is incompatible with Osborne's insufflation structure.

To overcome the Examiner's rejection, Applicant has amended independent Claim 1 to properly limit its structures and has similarly amended dependent Claims 2, 3, 4, 5, 6, 7, 10 and 11; Applicant has also added dependent Claim 12. In view of the foregoing, Applicant respectfully submits that Claims 1 through 12 are in condition for allowance. Allowance of Claims 1-12 is hereby solicited.

Respectfully submitted,



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